

HOUSE BILL 698

D1, E2

0lr1949

By: **Delegates Kelly, Vallario, Kramer, Simmons, and Smigiel**

Introduced and read first time: February 4, 2010

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 21, 2010

CHAPTER _____

1 AN ACT concerning

2 **District Court – Mailings – Notice of Dismissal, Nolle Prosequi, or Stet**

3 FOR the purpose of requiring a clerk of the District Court to mail notice of a dismissal,
4 nolle prosequi, or stet of a criminal charge to a defendant and the defendant's
5 attorney under certain circumstances; prohibiting a clerk of the District Court
6 from mailing notice of a dismissal, nolle prosequi, or stet of a criminal charge to
7 a defendant or the defendant's attorney under certain circumstances; and
8 generally relating to certain notices mailed by a clerk of the District Court.

9 BY adding to

10 Article – Courts and Judicial Proceedings

11 Section 2–603(d)

12 Annotated Code of Maryland

13 (2006 Replacement Volume and 2009 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Courts and Judicial Proceedings**

17 2–603.

18 **(D) (1) THIS SUBSECTION APPLIES TO:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (I) A DISMISSAL OR NOLLE PROSEQUI OF A CHARGE
2 ENTERED ON THE RECORD IN THE DISTRICT COURT; AND

3 (II) AN INDEFINITE POSTPONEMENT IN THE DISTRICT
4 COURT OF A TRIAL OF A CHARGE BY MARKING THE CHARGE "STET" ON THE
5 DOCKET.

6 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF A
7 DISMISSAL OR NOLLE PROSEQUI OF A CHARGE IS ENTERED OR A CHARGE IS
8 STETTED, A CLERK OF THE COURT:

9 (I) SUBJECT TO ITEM (II) OF THIS PARAGRAPH, SHALL
10 MAIL NOTICE OF THE DISMISSAL, NOLLE PROSEQUI, OR STET, AS THE CASE MAY
11 BE, TO THE DEFENDANT AND THE DEFENDANT'S ATTORNEY OF RECORD IF
12 BOTH THE DEFENDANT AND THE DEFENDANT'S ATTORNEY OF RECORD ARE NOT
13 PRESENT IN COURT WHEN THE DISMISSAL OR NOLLE PROSEQUI OF THE
14 CHARGE IS ENTERED OR THE CHARGE IS STETTED;

15 (II) MAY NOT MAIL A NOTICE DESCRIBED IN THIS
16 SUBSECTION TO THE DEFENDANT IF THE DEFENDANT'S WHEREABOUTS ARE
17 UNKNOWN; AND

18 (III) MAY NOT MAIL A NOTICE DESCRIBED IN THIS
19 SUBSECTION TO THE DEFENDANT OR THE DEFENDANT'S ATTORNEY OF RECORD
20 IF EITHER IS PRESENT IN COURT WHEN THE DISMISSAL OR NOLLE PROSEQUI OF
21 THE CHARGE IS ENTERED OR THE CHARGE IS STETTED.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.